

NEWS, SPORTS AND ENTERTAINMENT PRODUCTION COALITION

March 11, 2005

The Honorable Michael Powell
Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

RE: ET Docket 04-186 (unlicensed use of TV broadcast bands)

Dear Chairman Powell:

We are concerned about the future of our newsgathering and live sports and entertainment coverage operations. Tens of millions of Americans rely on, and have come to expect, high quality production in live news, sporting and entertainment events. The ability of local radio and television stations, broadcast networks and cable networks to provide a good quality product has been in jeopardy for quite some time. But the Commission's proposed plan in the above-captioned docket to allow new users in the broadcast spectrum poses the most severe threat yet. We ask that before the Commission make any determinations in this docket that it first initiate a rule making proceeding that seeks to dedicate spectrum to services relied upon by those in live newsgathering, sports and entertainment production and broadcast and cable delivery.

The undersigned are representatives of local radio and television stations, broadcast networks, cable networks, sports leagues, news operations, video production companies and manufacturers (as well as trade associations whose members include those entities) actively involved in the production of sporting and news events for the benefit of American television viewers (collectively the "News, Sports and Entertainment Production Coalition"). We have always supported an approach to spectrum policy that marries innovation with respect for the goals and requirements of both established and emerging services. But it is becoming nearly impossible to do our jobs in the face of diminishing spectrum in the Broadcast Auxiliary Service (BAS). We are specifically concerned that the Commission should not allow higher power Part 15 devices to operate on so-called "unused" TV channels, because of the interference and denial of service threats that would be caused to licensed, Part 74, Subpart H, Low Power Auxiliary stations.

At this point, the television channels assigned for use by wireless microphone and wireless video assist devices are highly congested in all metropolitan areas. Interference is the inevitable result of further overcrowding of these existing channels.

Advances in digital technology are not a solution to this problem because digital technology is already being incorporated in wireless microphone use. The limited allocations remain severely overcrowded. The channel bandwidth has been reduced thereby, but the number of channels is nonetheless far too small. The problem is that there are no other bands for wireless microphones available for use in most markets across the United States for providing coverage of breaking news, outdoor sporting events and live entertainment events, in the manner that the public has grown accustomed to viewing.

We believe that the FCC has overlooked the impact of higher power Part 15 devices on so-called "unused" TV channels to Part 74, Subpart H, Low Power Auxiliary stations. These include widely used wireless microphone stations, which operate on the ever scarcer locally vacant VHF and UHF TV channels. Spectrum for wireless microphones and wireless video assist devices, which operate in unused UHF television channels, has been reduced dramatically by use of those channels for DTV, and the loss of UHF channels 52-69. The small guard bands remaining would not be enough by any means. The wireless microphone is one technology that may not necessarily benefit from a move to digital technology. As licensed, Part 74 stations, they are entitled to protection from interference from unlicensed Part 15 devices. We recommend that a permanent and exclusive spectrum allocation be made for these devices so that they can be used reliably in the future.

Wireless microphones are extensively used by broadcasters and cable programmers in support of sports events and electronic news gathering (ENG) operations, and because ENG venues are ever changing, it appears that even "cognitive" or "smart" higher power Part 15 devices attempting to also operate on locally vacant TV channels would never be able to know the location of licensed wireless microphones. Further, because FM wireless microphones do not transmit continuously, but rather only when needed at a news or sporting event venue, allowing higher power Part 15 devices to share the same spectrum could create a denial of service problem to the licensed, higher-priority wireless microphone stations. Licensed users could easily be placed at the mercy of an unlicensed Part 15 device, waiting for the Part 15 device to momentarily "power down."

In most major metropolitan areas there are virtually no vacant TV channels, due to those channels also being used by DTV, Class A, TV translator, LPTV, and some point-to-point TV translator relay stations. The drastically reduced number of "unused" TV channels makes it all the more likely that higher power Part 15 devices operating on TV channels would cause interference to, or denial of service problems to, higher-priority, licensed, stations. If the Commission were to grant the use of broadcast spectrum to unlicensed devices, we could have situations in which: a local radio or TV station or cable news channel covering a local emergency, such as the hurricanes in Florida, would

suddenly lose the picture and audio of its reporters on the scene; interviews with athletes and coaches would be lost and irretrievable, as would be referee calls and coaches' communications with each other during a game; and live news interviews of public officials and others at breaking events might also be lost. The flexibility and creativity that wireless microphones and wireless video assist devices bring to production is invaluable.

In conclusion, we understand the goals of broadening the uses of spectrum, but we ask that you first consider our plight and seek to address it before going forward in this proceeding. We request that you initiate a rule making proceeding that seeks to dedicate a portion of spectrum to devices we use to bring live sports, news and entertainment to American viewers in their homes.

We would appreciate the opportunity to provide further information and demonstrations of the issues discussed above to you and your staff.

Sincerely,

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